

REMARKS/ARGUMENTS

Favorable consideration of this application is respectfully requested. Applicant has rewritten claims 1, 3, 5 canceled claims 2, 4, 6-14 and added new claims 15-33. Favorable reconsideration of this application is, consequently, earnestly solicited in view of the following remarks.

Claims 1-6 were rejected under sec. 112 as being indefinite for claiming terms that were not clearly described. Applicant has amended claim 1 to the phrase “nano size” which is used throughout the specification. Removal of this rejection is respectfully requested. The rejection of claim 5 is moot since this claim has been canceled.

Claims 1-4 were rejected under sec. 102b as anticipated by Nishioka et al. This reference describes a “process for forming electrodes for semiconductor devices using focused ion beams”, title, and does not describe, teach, nor suggest “partially overlapping” portions of “nano sized metal strip(s)” being formed from two “different metal material(s)” to form a “bi-metal sensing junction” as claimed in the subject claims. Clearly, this reference describes “an electrical connection between an external circuit and an electrically conducting portion of a semiconductor device”, column 3, lines 10-14. This reference is limited to a being a simple electrical connection, and is not used as a “bi-metal sensing junction” between two “different metal material(s)” as claimed in the subject invention. Furthermore, there is no description, teaching nor suggestion in this reference for being “nano sized” as claimed in the subject invention.

Subject dependent claim 3 has been amended to clarify that one of the nano sized metal strips of the subject invention is W(tungsten) while the other is Pt(platinum). Clearly, these novel features are also not described, taught, nor suggested by this reference. Thus, removal of this reference is respectfully requested.

Claim 6 was rejected under sec. 102b or under sec. 103 over Nishioka et al. This rejection is now moot since this claim has been canceled.

Claim 5 was rejected under sec. 103 as being unpatentable over Nishioka et al. This rejection is also moot since this claim has been canceled.

New claims 15-33 include other novel features of the invention that are also not described, taught nor suggested by the references of record.


The remaining references cited but not applied to Corbin, Kubena and Gavish fail to overcome the deficiencies to Nishioka described above.

There is no teaching, nor suggestion for modifying the references of record to include all the novel features of the subject claims. Under well recognized rules of the MPEP (for example, section 706.02(j)), the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438(Fed. Cir. 1991).

Applicant contends the references cannot be modified to incorporate the features of subject claims 1, 3 and 15-33 without utilizing Applicant's disclosure. The courts have consistently held that obviousness cannot be established by combining the teachings of the prior art to Applicant to produce the claimed invention, absent some teaching, suggestion, incentive or motivation supporting the combination.

In view of the foregoing considerations, it is respectfully urged that claims 1, 3 and 15-33 be allowed. Such action is respectfully requested. If the Examiner believes that an interview would be helpful, the Examiner is requested to contact the attorney at the below listed number.

Respectfully Submitted;



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